

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: <u>3/29/22</u>

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x  
 UNITED STATES OF AMERICA, :  
 :  
 v. :  
 :  
 ALVINO FOUNTAIN, :  
 Defendant. :  
 -----x

ORDERS1 21 CR 421 (VB)  
10 CR 475 (VB)

By letters dated March 24 and March 26, 2022, defense counsel seeks a copy of the Statement of Reasons forms in the above referenced cases. The request is GRANTED with respect to case no. 21-cr-421. The request is DENIED with respect to the case no. 10-cr-475, because there is no Statement of Reasons form for a violation of supervised release (“VOSR”) sentence, and the Court is not currently required to complete a Statement of Reasons form for a VOSR sentence that is outside the advisory Guidelines range. See United States v. Smith, 949 F.3d 60, 65 (2d Cir. 2020).

It should be noted that the Court fully complied with 18 U.S.C. § 3553(c) and (c)(1) in that it stated in open court the reasons for its imposition of the particular sentence in both of these cases, the reason for imposing a sentence “at a particular point within” the applicable sentencing range of 100 to 125 months’ imprisonment in case no. 21-cr-421, and the reasons why the two sentences were ordered to run consecutively. Thus, the lack of a Statement of Reasons form for the VOSR sentence has no impact on defendant’s substantive rights.

The Court will make available to both counsel a copy of the Statement of Reasons form in case no. 21-cr-421, but will not file that document on the public record.

Dated: March 29, 2022  
White Plains, NY

SO ORDERED:



Vincent L. Briccetti  
United States District Judge